

April 07, 2010

GLORIA L. FRANKLIN, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIACASPER J. RANKIN (CA SBN 249196)
JOSEPH C. DELMOTTE (CA SBN 259400)

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Signed: April 07, 2010

LESLIE TCHAIKOVSKY

U.S. Bankruptcy Judge

Attorneys for THE BANK OF NEW YORK MELLON FORMERLY KNOWN AS THE
BANK OF NEW YORK AS SUCCESSOR TRUSTEE TO JPMORGAN CHASE
BANK, NATIONAL ASSOCIATION AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF STRUCTURED ASSET MORTGAGE
INVESTMENTS II INC. BEAR STEARNS ALT-A TRUST, MORTGAGE
PASS-THROUGH CERTIFICATES SERIES 2005-7

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION

In re

NICOLE CHRISTINA MCCONVILLE,

Case No. 09-71561-LJT

Chapter 7

R.S. No. CJR-651

ORDER GRANTING MOTION FOR
RELIEF FROM AUTOMATIC STAY

DATE: March 19, 2010

TIME: 11:00am

CTRM: 201

Northern District of California - Oakland
DivisionUnited States Bankruptcy Court
1300 Clay Street, Suite 300
Oakland, CA 94604-1426

Debtor(s).

The above-captioned matter came on for hearing on March 19, 2010, at 11:00 AM, in
Courtroom 201, upon the Motion of The Bank of New York Mellon formerly known as The
Bank of New York as successor Trustee to JPMorgan Chase Bank, National Association as
Trustee for the Certificateholders of Structured Asset Mortgage Investments II Inc. Bear Stearns
ALT-A Trust, Mortgage Pass-Through Certificates Series 2005-7 ("Movant"), for relief from the
automatic stay of 11 U.S.C. § 362, to enforce its interest in the property of Nicole Christina

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McConville ("Debtor") commonly known as 4169 Rettig Avenue, Oakland, California 94602 (the "Real Property"), which is legally described as follows:

SEE LEGAL DESCRIPTION AS EXHIBIT FOR PROPOSED
ORDER GRANTING MOTION FOR RELIEF FROM
AUTOMATIC STAY, DOCKET NUMBER 81.

Appearances as noted on the record.

Based on the arguments of counsel, and good cause appearing therefor,

IT IS HEREBY ORDERED:

1. The automatic stay of 11 U.S.C. § 362, is hereby terminated as it applies to the enforcement by Movant of all of its rights in the Real Property under Note and Deed of Trust;

2. Movant is authorized to foreclose its security interest in the Real Property under the terms of the Note and Deed of Trust, and pursuant to applicable state law;

3. The 14-day stay provided by Bankruptcy Rule 4001 (a)(3) is waived;

4. Post-petition attorneys' fees and costs for the within motion may be added to the outstanding balance of the subject Note as allowed under applicable non-bankruptcy law;

5. Upon foreclosure, in the event Debtor fails to vacate the Real Property, Movant may proceed in State Court for unlawful detainer pursuant to applicable state law; and

6. Movant may offer and provide Debtor with information re: a potential Forbearance Agreement, Loan Modification, Refinance Agreement, or other Loan Workout/Loss Mitigation Agreement, and may enter into such agreement with Debtor. However, Movant may not enforce, or threaten to enforce, any personal liability against Debtor if Debtor's personal liability is discharged in this bankruptcy case;

7. This Order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

** END OF ORDER **

COURT SERVICE LIST

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